

REMARKS

The Office Action dated September 3, 2004, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this amendment, claim 1 has been amended. No new matter has been added. Support for the amendment to claim 1 can be found in Figures 4 and 10 as originally filed. Claims 1 and 2 are pending and are respectfully submitted for consideration.

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Mishima et al. (U.S. Patent No. 6,053,786, "Mishima"). The Applicants traverse the rejection and respectfully submit that claims 1 and 2 recite subject matter that is neither disclosed nor suggested by Mishima.

Claim 1 recites an outboard motor comprising a multicylinder engine having a plurality of combustion chambers and having a cylinder head disposed substantially vertically. A case means supports a lower face of the engine and has an exhaust passage for guiding exhaust gas of the engine downward. An exhaust manifold extends downward along a side face of the cylinder head and combines the exhaust gas discharged from the plurality of combustion chambers. An exhaust guide is joined to the lower end of the exhaust manifold via a joining part and extends from the side face of the cylinder head to a lower face of the cylinder head so as to be connected to the exhaust passage. The portion of the exhaust manifold that is lower than the lowest combustion chamber is bent so as to be farther away from the cylinder head than other portions of the exhaust manifold as viewed from a front and rear direction of the

outboard motor, thereby preventing the joining part from interfering with the cylinder head.

Mishima discloses an outboard motor having an exhaust manifold 31 constituting the exhaust apparatus 30 being connected to the exhaust port 22. The exhaust manifold 31 first extends in a lateral direction toward the center portion of the engine 3 having the widest width and then extends downward. A water jacket 32 for cooling the exhaust manifold 31 is formed around the exhaust manifold 31.

With respect to claim 1, the Applicants submit that Mishima fails to disclose or suggest the claimed features of the invention. Claim 1, as amended, recites an exhaust guide joined to the lower end of the exhaust manifold via a joining part and extending from the side face of the cylinder head to a lower face of the cylinder head. Claim 1 further recites that the portion of the exhaust manifold that is lower than the lowest combustion chamber is bent so as to be farther away from the cylinder head than other portions of the exhaust manifold as viewed from a front and rear direction of the outboard motor. Mishima, however, does not disclose that the exhaust manifold 31 is bent so as to be farther away from the cylinder head than other portions of the exhaust manifold as viewed from a front and rear direction of the outboard motor. In contrast, Mishima discloses that the exhaust manifold 31 is bent toward the hull side of the outboard motor. See Figs. 4 and 7 of Mishima, where the water jacket 32 is disposed toward the hull side of the outboard motor and the exhaust manifold 31 bends toward the water jacket 32. See also Fig. 2 of Mishima. As such, Mishima does not disclose each and every feature of the invention as recited in amended Fig. 1.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim. . . the identical invention, specifically, [t]he identical invention must be shown in as complete detail as contained in the claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (Emphasis added). As Mishima fails to disclose or suggest an exhaust guide joined to the lower end of the exhaust manifold via a joining part and extending from the side face of the cylinder head to a lower face of the cylinder head, and that the portion of the exhaust manifold that is lower than the lowest combustion chamber is bent so as to be farther away from the cylinder head than other portions of the exhaust manifold as viewed from a front and rear direction of the outboard motor, as arranged in claim 1, the reference does not anticipate claims 1 and 2, nor are claims 1 and 2 obvious in view of Mishima.

Accordingly, the Applicants respectfully request allowance of claims 1 and 2 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an

extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107348-00370.**

Respectfully submitted,



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Enclosure: Petition for Extension of Time (1-month)